

SEP 11 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAI NGUYEN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-72423

Agency No. A72-643-709

MEMORANDUM \*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 8, 2008\*\*

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Dai Nguyen, a native and citizen of Vietnam, petitions for review of the

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252, and deny the petition for review.

We agree with the BIA that the IJ found Nguyen to be removable on both charges contained in the Notice to Appear. The IJ’s decision found Nguyen “removable as charged” and stated that Nguyen chose not “to present any testimony or evidence with regard to the *grounds* of removability.” (Emphasis added.) As Nguyen does not argue that he was incorrectly found to be removable under 8 U.S.C. § 1182(a)(2)(A)(i)(II), we need not address his other charged ground of inadmissibility, 8 U.S.C. § 1182(a)(2)(C).

**PETITION FOR REVIEW DENIED.**